

REMARKS

Claims 37-48 are currently pending in the above-identified patent application. Claims 49-58 have been withdrawn from prosecution. Reexamination and reconsideration are respectfully requested. No amendments to the claims have been made in this RESPONSE and no new matter has been added.

Claims 37-48 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Snel reference (*Snel, Allen. "Arena's Sponsorship Creating Big Revenue". Sun Sentinel. September 24, 1998*). In this reference, Snel teaches televising a hockey event using a Zamboni to wipe and smooth a planar playing field, the Zamboni having an advertisement thereon.

The Examiner stated that it would have been obvious to one having ordinary skill in the art at the time the invention was made, to specifically broadcast the Zamboni. The Examiner further stated that: "Snel teaches the purpose of placing advertising on a Zamboni is to advertise to hockey fans, and therefore the televising of the Zamboni will help the advertisement reach more fans at home." Snel further was stated to teach: "the arena as having seats... [S]ince the seats are inherently placed nearby in the interest of viewing the hockey game, and the Zamboni cleans the ice where the game is played, spectators in the seats will inherently have a view of the Zambonis."

Whereas the applicant does not contest the Snel reference for what it discloses, the applicant does dispute the applicability of Snel as a reference and the correspondence that the Examiner has relied upon between the device of the instant application and an ice resurfacer or Zamboni. A Zamboni ice resurfacing machine (IRM) is a truck-like vehicle or smaller device used to clean and smooth the surface of an ice rink, originally developed by Frank J. Zamboni in 1949.

The heart of an ice resurfacer is the *conditioner*, a large device dragged behind the vehicle. A large, very sharp blade, similar to those used in industrial paper cutters, shaves the surface off the ice, and an auger in front of the blade sweeps the shavings to the center of the conditioner, where a second auger (or, in early models, a paddle-and-chain conveyor) picks them up. At the rear of the conditioner, a sprinkler pipe wets a cloth towel that lays down clean water to fill the residual grooves and form a new ice surface. Hot water (140°F to 160°F, 60°C) is frequently used where available because it melts and smoothes the rough top layer to create a flat, smooth ice surface.

This water in many rinks is filtered and treated before being heated to remove any residual minerals and chemicals in the water. These chemicals and minerals would otherwise make the ice brittle or soft, give it pungent odors, or make it cloudy.

(Source: Frank J. Zamboni & Co. Inc.)

The Examiner states that using an IRM having an advertisement thereon to wipe and smooth a planar playing field is analogous (equivalent) to the method of the instant application, which claims wiping a planar surface “to remove liquid therefrom.” The Examiner further states that it would have been obvious to one having ordinary skill in the art to broadcast the IRM. It is clear from the above description of the function of a Zamboni IRM, that the Examiner has mischaracterized the function of the IRM. The IRM does not wipe the ice surface to remove liquid therefrom. On the contrary, the function of the IRM is to lay down a smooth layer of hot water (140° F to 160° F) to melt and smooth the rough top layer of ice to create a flat smooth surface as the water freezes.

Whereas the present method teaches removing liquid, the Zamboni IRM teaches away by providing the exact opposite function by depositing liquid which remains on the planar surface. The Snel reference is therefore nonanalogous art and a prima facie case of obviousness has not been established. The Examiner’s statement that it would have been obvious to one having ordinary skill in the art at the time the invention was made to specifically broadcast the Zamboni is irrelevant to the claims of the instant application, and a prima facie showing of obviousness has not been shown. The rejection of Claims 37-58 under 35 U.S.C. 103(a) is therefore improper.

Hence, independent Claims 37 and 44, in their current form, specifically differentiate and clearly distinguish from the aforementioned disclosure in the fact that Snel does not describe:

“from time to time wiping the planar surface to remove liquid therefrom with a device that has an exterior displaying a visual advertisement”

For these same reasons, dependent Claims 38-43 and 45-48, in their current form, specifically differentiate and clearly distinguish from the aforementioned disclosure of Snel as being dependent upon a novel base claim.

In view of the discussion presented hereinabove, applicant believes that subject claims 37-48, as presented, are in condition for allowance and such action is earnestly solicited by the Examiner.

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Respectfully submitted,

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